

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

April 3, 2002

Eightieth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:05 a.m.

Roll call showed 30 members present. Representatives Kookesh, Ogan, and Stevens had been previously excused from a call of the House today. Representatives Halcro, Kott, Masek, Moses, Mulder, Rokeberg, and Williams were absent and their presence was noted later.

The invocation was offered by the Reverend Tom Moffatt of St. Nicholas Russian Orthodox Church. Representative Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray to the Lord.

Lord, have mercy. We ask this day that You remember and have mercy on the soul of the newly departed Edgar Paul Boyko. We thank You, O Master, Lover of mankind, King of the ages, and Bestower of good things, Who destroys hatred and grants peace to the human race, and Who can grant peace to Your servants. Instill in them the fear of You and confirm them in love - one for the other. Extinguish every dispute and banish all temptation to anger. For You are our peace and to You we ascribe glory: to the Father, and to the Son, and to the Holy Spirit, now and ever and unto ages of ages. Amen.

The Pledge of Allegiance was led by Representative Scalzi.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 79th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated April 2, 2002, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 270

CS FOR SENATE BILL NO. 270(L&C) by the Senate Labor & Commerce Committee, entitled:

"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

SB 279

CS FOR SENATE BILL NO. 279(FIN) by the Senate Finance Committee, entitled:

"An Act authorizing the commissioner of fish and game to issue complimentary sport fishing licenses and tags to September 11 emergency responders and their spouses; and providing for an effective date."

was read the first time and referred to the Finance Committee.

SB 299

CS FOR SENATE BILL NO. 299(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the establishment of an additional southcentral panel to the Alaska Workers' Compensation Board and to appointments to that panel; and providing for an effective date."

was read the first time and referred to the Finance Committee.

REPORTS OF STANDING COMMITTEES

The Health, Education & Social Services Committee has reviewed the qualifications of:

Sally Rue
Board of Education and Early Development

and recommends the following:

Confirm (2): Wilson, Cissna

No recommendation (3): Kohring, Coghill, Dyson

Vickie L. McCubbin
Professional Teaching Practices Commission

and recommends the following:

Confirm (3): Dyson, Wilson, Cissna

No recommendation (2): Kohring, Coghill

Dr. Donna Peterson
Professional Teaching Practices Commission

and recommends the following:

Confirm (2): Wilson, Cissna

No recommendation (3): Kohring, Coghill, Dyson

The reports were signed by Representative Dyson, Chair.

**The presence of Representatives Kott and Williams was noted.

HB 160

The Finance Committee has considered:

HOUSE BILL NO. 160

"An Act requiring the reporting of induced terminations of pregnancies."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 160(JUD)
(same title)

The report was signed by Representatives Mulder and Williams, Co-chairs, with the following individual recommendations:

Do pass (4): Whitaker, Lancaster, Mulder, Williams

No recommendation (3): Bunde, Davies, Hudson

The following fiscal note(s) apply to CSHB 160(JUD):

3. Fiscal, Dept. of Health & Social Services

HB 160 was referred to the Rules Committee for placement on the calendar.

**The presence of Representatives Moses and Masek was noted.

HB 208

The Finance Committee has considered:

HOUSE BILL NO. 208

"An Act relating to aquatic farming of shellfish; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 208(RES)
(same title)

The report was signed by Representatives Mulder and Williams, Co-chairs, with the following individual recommendations:

Do pass (7): Whitaker, Harris, Davies, Lancaster, Hudson, Mulder, Williams

The following fiscal note(s) apply to CSHB 208(RES):

2. Fiscal, Dept. of Natural Resources
3. Fiscal, Dept. of Fish & Game
4. Fiscal, Dept. of Fish & Game

HB 208 was referred to the Rules Committee for placement on the calendar.

HB 315

The State Affairs Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 315

"An Act allowing employers that are small businesses, small nonprofit organizations, or small associations for insurance purposes to join state employee insurance coverage as a group; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
315(STA)

"An Act allowing employers that are small businesses, small nonprofit organizations, small special services organizations, or

small associations for insurance purposes to join state employee insurance coverage as a group; and providing for an effective date."

The report was signed by Representative Coghill, Chair, with the following individual recommendations:

Do pass (5): Wilson, Crawford, Stevens, Fate, Hayes

No recommendation (2): James, Coghill

The following fiscal note(s) apply to CSSSHB 315(STA):

1. Fiscal, Dept. of Administration

SSHB 315 was referred to the Labor and Commerce Committee.

HB 344

The Finance Committee has considered:

HOUSE BILL NO. 344

"An Act increasing fees for driver's licenses, instruction permits, and identification cards; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 344(STA)
(same title)

The report was signed by Representatives Mulder and Williams, Co-chairs, with the following individual recommendations:

Do pass (7): Bunde, Whitaker, Harris, Davies, Lancaster, Mulder, Williams

The following fiscal note(s) apply to CSHB 344(STA):

1. Fiscal, Dept. of Administration

HB 344 was referred to the Rules Committee for placement on the calendar.

HB 438

The State Affairs Committee has considered:

HOUSE BILL NO. 438

"An Act relating to motor vehicle registration plates for disabled veterans; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 438(STA)
(same title)

The report was signed by Representative Coghill, Chair, with the following individual recommendations:

Do pass (5): Wilson, Stevens, James, Fate, Coghill

The following fiscal note(s) apply to CSHB 438(STA):

2. Zero, House State Affairs Committee/Dept. of Administration

HB 438 was referred to the Finance Committee.

HB 443

The Labor and Commerce Committee has considered:

HOUSE BILL NO. 443

"An Act retroactively extending the application and licensing deadlines and amending the effective date of certain provisions relating to regulation of persons who practice tattooing and permanent cosmetic coloring or body piercing; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 443(L&C)
(same title)

The report was signed by Representative Murkowski, Chair, with the following individual recommendations:

Do pass (7): Rokeberg, Meyer, Hayes, Crawford, Kott, Halcro, Murkowski

The following fiscal note(s) apply to CSHB 443(L&C):

1. Fiscal, Dept. of Environmental Conservation

HB 443 was referred to the Rules Committee for placement on the calendar.

HB 455

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 455

"An Act relating to the assessment of farm or agricultural land for purposes of municipal taxation; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 455(CRA)

"An Act relating to the assessment of certain agricultural land for purposes of municipal taxation; and providing for an effective date."

The report was signed by Representatives Morgan and Meyer, Co-chairs, with the following individual recommendations:

Do pass (5): Scalzi, Murkowski, Meyer, Kerttula, Morgan

The following fiscal note(s) apply to CSHB 455(CRA):

1. Zero, Dept. of Natural Resources

HB 455 was referred to the Rules Committee for placement on the calendar.

HB 510

The Transportation Committee has considered:

HOUSE BILL NO. 510

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

The report was signed by Representative Kohring, Chair, with the following individual recommendations:

Do pass (4): Masek, Scalzi, Wilson, Kohring

The following fiscal note(s) apply:

1. Zero, Department of Transportation and Public Facilities

HB 510 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEES

The House Special Committee on Military & Veterans' Affairs has reviewed the qualifications of:

Colonel Gene Ramsay - Kulis ANG Base
Alaska Air National Guard - Brigadier General

Colonel Jim Robinson - Fort Richardson
Alaska Air National Guard - Brigadier General

Colonel Tim Scott - Eielson Air Force Base
Alaska Air National Guard - Brigadier General

Colonel Jim Welch - Anchorage
Space and Missile Defense - Brigadier General

and recommends the following:

Confirm (5): Masek, Green, Murkowski, Hayes, Chenault

The reports were signed by Representative Chenault, Chair.

**The presence of Representative Halcro was noted.

SB 11

The House Special Committee on Education has considered:

CS FOR SENATE BILL NO. 11(FIN)

"An Act relating to required school attendance; and providing for an effective date."

The report was signed by Representative Bunde, Chair, with the following individual recommendations:

Do pass (4): Guess, Porter, Wilson, Bunde

No recommendation (1): Green

The following fiscal note(s) apply:

2. Zero, Dept. of Education & Early Development

CSSB 11(FIN) was referred to the Health, Education and Social Services Committee.

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Commemorating - National Be Kind To Animals Week,
May 5 - 11, 2002
By Representative Meyer

Honoring - William T. Cotton
By Representative Berkowitz

Honoring - Allen "Sandy" Sanderson
By Representative Meyer

Honoring - The Service High Rifle Club
By Representative Meyer

Honoring - William Jardel
By Senator Green

Honoring - East Anchorage High School Girls 2002 Class 4-A State
Basketball Champions
By Senator Davis

Honoring - Kevin P. Baker
By Senator Davis

Honoring - Barnard Jacob "Barney" Gottstein
By Senator Davis

In Memoriam - Margaret Dube
By Representative Berkowitz

In Memoriam - David Dolese
By Representative Berkowitz

The following citation was introduced and taken up later as a Special
Order of Business:

Honoring - Brigadier General Douglas M. Fraser
By Senator Leman

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 332

The following was read the second time:

HOUSE BILL NO. 332

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

with the:	Journal Page
JUD RPT CS(JUD) NT 6NR	2225
FN1: (DPS); FN2: (DPS); FN3: (DPS)	2226
FIN RPT CS(FIN) NT 6DP 1NR	2736
FN1: (DPS); FN2: (DPS); FN3: (DPS)	2736

**The presence of Representative Rokeberg was noted.

Representative James moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 332(FIN)

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; relating to the council's duties; placing the executive director and staff of the council in the exempt service; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 332(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 332(FIN) was read the third time.

The question being: "Shall CSHB 332(FIN) pass the House?" The roll was taken with the following result:

CSHB 332(FIN)

Third Reading

Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Murkowski, Porter, Rokeberg, Scalzi, Whitaker, Williams, Wilson

Excused: Kookesh, Ogan, Stevens

Absent: Mulder

And so, CSHB 332(FIN) passed the House.

Representative James moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 332(FIN) was referred to the Chief Clerk for engrossment.

HB 390

The following was read the second time:

HOUSE BILL NO. 390

"An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date."

with the:	Journal Page
FSH RPT 6DP	2405
FN1: (CED)	2405
RES RPT 5DP	2518
FN1: (CED)	2518
FIN RPT 7DP 1NR	2750
FN1: (CED)	2751

Representative James moved and asked unanimous consent that HB 390 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 390 was read the third time.

**The presence of Representative Mulder was noted.

The question being: "Shall HB 390 pass the House?" The roll was taken with the following result:

HB 390

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Whitaker, Williams, Wilson

Excused: Kookesh, Ogan, Stevens

And so, HB 390 passed the House.

Representative James moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

HB 390 was referred to the Chief Clerk for engrossment.

THIRD READING OF SENATE BILLS

SB 343

The following, which was advanced to third reading from the April 2, 2002, calendar (page 2761), was read the third time:

CS FOR SENATE BILL NO. 343(RES)

"An Act clarifying the term 'best technology' required for use in oil discharge prevention and contingency plans; affirming existing

Department of Environmental Conservation regulations defining 'best technology' and oil discharge prevention and contingency plans approved using those regulations; and providing for an effective date."

The question being: "Shall CSSB 343(RES) pass the House?" The roll was taken with the following result:

CSSB 343(RES)
Third Reading
Final Passage

YEAS: 29 NAYS: 8 EXCUSED: 3 ABSENT: 0

Yeas: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Whitaker, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Joule, Kapsner, Kerttula

Excused: Kookesh, Ogan, Stevens

And so, CSSB 343(RES) passed the House.

Representative James moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Joule gave notice of reconsideration of the vote on CSSB 343(RES).

RECONSIDERATION

HB 330

Representative Davies brought up reconsideration of the vote on CSHB 330(FIN) (page 2756).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 330(FIN)

"An Act relating to providing alcoholic beverages to a person under 21 years of age."

Representative Davies moved and asked unanimous consent that CSHB 330(FIN) be returned to second reading for the specific purpose of considering Amendment No. 1.

Representative Rokeberg objected and removed the objection. There being no further objection, it was so ordered.

Amendment No. 1 was offered by Representative Davies:

Page 1, line 12:

Delete "**acting**"

Insert "**driving**"

Representative Davies moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Dyson objected.

Amendment to Amendment No. 1 was offered by Representative Hudson:

Delete "**driving**"

Insert "**operating motorized equipment, firearms, or water craft**"

Representative Hudson moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted.

Representative Rokeberg objected.

The question being: "Shall Amendment to Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 330(FIN)--RECONSIDERATION

Second Reading

Amendment to Amendment No. 1

YEAS: 27 NAYS: 10 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Lancaster, Masek, McGuire, Moses, Mulder, Murkowski, Scalzi, Williams, Wilson

Nays: Fate, Foster, Green, Kohring, Kott, Meyer, Morgan, Porter, Rokeberg, Whitaker

Excused: Kookesh, Ogan, Stevens

And so, Amendment to Amendment No. 1 was adopted.

The question being: "Shall Amendment No. 1 as amended be adopted?" The roll was taken with the following result:

CSHB 330(FIN)--RECONSIDERATION

Second Reading

Amendment No. 1 as amended

YEAS: 27 NAYS: 10 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Guess, Halcro, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Morgan, Moses, Mulder, Murkowski, Scalzi, Williams, Wilson

Nays: Coghill, Dyson, Fate, Foster, Green, James, Meyer, Porter, Rokeberg, Whitaker

Excused: Kookesh, Ogan, Stevens

Wilson changed from "Nay" to "Yea".

And so, Amendment No. 1 as amended was adopted.

The question to be reconsidered: "Shall CSHB 330(FIN) am pass the House?" The roll was taken with the following result:

CSHB 330(FIN) am--RECONSIDERATION
Third Reading
Final Passage

YEAS: 36 NAYS: 1 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Whitaker, Williams, Wilson

Nays: Kohring

Excused: Kookesh, Ogan, Stevens

And so, CSHB 330(FIN) am passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

CONSIDERATION OF THE DAILY CALENDAR

(Continued)

LEGISLATIVE CITATIONS

Representative James moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - The Kodiak High School 2002 Alaska Ocean Sciences Bowl Champions

By Representatives Stevens, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Murkowski, Ogan, Rokeberg, Scalzi, Whitaker, Williams, Wilson; Senator Austerman

UNFINISHED BUSINESS

Representative James moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

April 3, 2002

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Representative Joule - from 7:00 a.m., April 4 to 7:00 p.m., plane time, April 7, 2002

Representative Kookesh - from 7:00 a.m. to 8:00 p.m., April 5, 2002

Representative Morgan - from 2:05 p.m., April 16 to 9:35 p.m., plane time, April 18, 2002

Representative Williams - from 1:35 p.m., April 5 to 9:45 p.m., plane time, April 7, 2002

Representative Wilson - from 8:15 p.m., April 12 to 6:16 p.m., plane time, April 14, 2002

HB 443

The Speaker added a Finance Committee referral to the following:

HOUSE BILL NO. 443

"An Act retroactively extending the application and licensing deadlines and amending the effective date of certain provisions relating to regulation of persons who practice tattooing and permanent cosmetic coloring or body piercing; and providing for an effective date."

HB 443 was removed from the Rules Committee and referred to the Finance Committee.

SPECIAL ORDER OF BUSINESS

Representative James moved and asked unanimous consent that the citation, Honoring - Brigadier General Douglas M. Fraser, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that the House approve the citation. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Brigadier General Douglas M. Fraser
By Senator Leman; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghil, Crawford, Croft, Davies, Dyson, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Williams, Wilson

UNFINISHED BUSINESS

HB 390

Representative Green added his name as cosponsor to:

HOUSE BILL NO. 390

"An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date."

HB 409

Representative Wilson removed her name as cosponsor to:

HOUSE BILL NO. 409

"An Act rejecting the use of daylight saving time."

HB 472

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 472

"An Act relating to persons who buy and sell secondhand articles and to certain persons who lend money on secondhand articles."

ENGROSSMENT

HB 330

CShB 330(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 332

CSHB 332(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 390

HB 390 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 4, 2002. There being no objection, the House adjourned at 11:51 a.m.

Suzi Lowell
Chief Clerk